

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed July 25, 2006 ("Office Action"). At the time of the Office Action, Claims 1-37 were pending in the application. In the Office Action, the Examiner rejects Claims 1-37. To advance prosecution of this case, Applicant amends Claims 1-3, 6, 9-18, 21-30, 33-37. In addition, Applicant adds new Claims 38-50. Applicant does not admit that any amendments are necessary due to any prior art or any of the Examiner's rejections. Applicant respectfully requests reconsideration and allowance of all pending claims.

### **Drawings**

The Examiner objects to the drawings pursuant to 37 C.F.R. 1.83(a) with respect to Claim 14. In particular, the Examiner states that the element of "identifying a particular game controller," as recited in Claim 14, must be shown in the drawings. Applicant traverses this objection and asserts that the drawings satisfy the requirements of 37 CFR § 1.83. At the outset, Applicant notes that the phrase "identifying a particular game controller" has been deleted from amended Claim 14. As amended, Claim 14 recites, in part, "identifying a particular user associated with a particular game controller...identifying a particular controller type associated with the particular game controller" and "determining at least one of the stored sets of controller signal relationships based at least in part on the identified user and the identified controller type." This aspect of amended Claim 14 is sufficiently represented in the drawings by at least box 82 of Figure 1 and step 102 of Figure 4, which provides: "Identify appropriate controller signal relationships for game controller device." With respect to step 102 of Figure 4, Applicants' specification provides:

At step 102, the appropriate set of controller signal relationships 82 for game controller device 34 are identified from mapping module 80. This may involve any suitable steps or processes. For example, interface application 50 may automatically identify the type and/or model of game controller device 34 based on signals or messages received from game controller device 34, such as a control message, for example. As another example, the user 22 may identify the type and/or model of game controller device 34 using a GUI displayed to the user 22 by interface application 50, such as by selecting the appropriate type and/or model from a list of different game controller device types and/or models. In addition, if user 22 had previously reconfigured the controller signal relationships 82 for game controller device 34, interface application 50 may identify the appropriate controller signal relationships 82 for user 22 and

game controller device 34. For example, interface application 50 may identify user 22 (such as from a user ID entered by user 22, for example) and present to the user 22 a display listing one or more sets of controller signal relationships 82 that have been stored at mapping module 80 in association with user 22. User 22 may then select from the list the desired set of controller signal relationships 82.

(Application, p. 12).<sup>1</sup> Applicant reminds the Examiner that a flowchart is not required to include every word of the specification or every word of a claim. *See, e.g., Fonar Corp. v. General Electric Co.*, 107 F.3d 1543, 1549, 41 USPQ2d 1801 (Fed. Cir. 1997) (“flow charts or source code listings are not a requirement for adequately disclosing the functions of software”). Indeed, if a flowchart were required to contain every word of the specification, then the flowchart would be too voluminous to serve as a useful tool for understanding the specification. In addition to Figure 4, Applicants note that Figure 1 clearly illustrates a user 22 as well as multiple sets of controller signal relationships 82. Furthermore, Figure 2 illustrates an example game controller device 34 and Figure 3 illustrates example controller signal relationships. As shown above, the figures satisfy the requirements of 37 CFR § 1.83 with respect to amended Claim 14. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

### **Section 103 Rejections**

#### ***Claims 1-8, 10-14, 16-20, 22-26, 28-32 and 34-37***

The Examiner rejects Claims 1-8, 10-14, 16-20, 22-26, 28-32 and 34-37 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0070915 to Mazza, et al. (“*Mazza*”), in view of U.S. Patent No. 5,896,125 issued to Niedzwiecki (“*Niedzwiecki*”). Applicant respectfully requests reconsideration and allowance of Claims 1-8, 10-14, 16-20, 22-26, 28-32 and 34-37.

The cited references fail to support the rejection for at least two reasons. First, the cited references fail to teach, suggest, or disclose “a first set of controller signal relationships...associated with a first user and with a first type of game controller; a second set of controller signal relationships...associated with the first user and with a second type of game controller; and a third set of controller signal relationships...associated with a second

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<sup>1</sup> The foregoing portion of the Application, which is merely cited to assist the Examiner in interpreting the drawings, is not intended to limit the claims to any particular embodiments.

user and with the first type of game controller” as recited in amended Claim 1. Second, the cited references fail to teach, suggest, or disclose that “the interface application is operable to...identify a particular user associated with a particular game controller,” “identify a particular controller type associated with the particular game controller” and “determine at least one of the stored sets of controller signal relationships based at least in part on the identified user and the identified controller type” as recited in amended Claim 1.

First, the cited references fail to teach, suggest, or disclose “a first set of controller signal relationships...associated with a first user and with a first type of game controller; a second set of controller signal relationships...associated with the first user and with a second type of game controller; and a third set of controller signal relationships...associated with a second user and with the first type of game controller” as recited in amended Claim 1. The Office Action dated July 25, 2006 acknowledges that *Mazza* does not disclose that “some of the controller signal relationships are associated with different game controllers.” (Page 7). The Office Action dated December 22, 2005 acknowledges that *Mazza* does not disclose that “some of the controller signal relationships are associated with different users.” (Page 6). Thus, the Examiner acknowledges that *Mazza* does not teach, suggest, or disclose storing “a first set of controller signal relationships...associated with a first user and with a first type of game controller; a second set of controller signal relationships...associated with the first user and with a second type of game controller; and a third set of controller signal relationships...associated with a second user and with the first type of game controller” as recited in amended Claim 1.

*Niedzwiecki* also fails to teach, suggest, or disclose this aspect of amended Claim 1. *Niedzwiecki* discloses an adapter that is inserted between a game controller and a computer terminal. (Abstract; Figure 2). The adapter comprises a “program mode” that “allows the user to specify which key scan code or combination of codes are sent to the computer when a particular button is pressed or other input decision action is made on a particular controller.” (Col. 8, ll. 4-7). In particular, *Niedzwiecki* discloses that the “program mode” permits a “manual configuration procedure” wherein a user first depresses a key on a keyboard and then depresses one or more buttons on the game controller. The adapter associates the key scan code of the depressed key with the one or more depressed buttons on the game controller. (Col. 8, ll. 12-31). “This association will be held in non-volatile memory as part

of a button press-key scan code association list.” (Col. 8, ll. 37-39). Accordingly, *Niedzwiecki* states that the adapter “can be easily customized to operate with any new multiplex communications based video game controller that becomes available and is designed for use with other video game platform hardware.” (Col. 7, ll. 36-40). Thus, *Niedzwiecki* discloses that the adapter may be configured for different types of game controllers. *Niedzwiecki*, however, specifically fails to associate the “button press-key scan code association lists” with different users. Thus, *Niedzwiecki* fails to teach, suggest, or disclose storing “a first set of controller signal relationships...associated with a *first user* and with a first type of game controller” and “a third set of controller signal relationships...associated with a *second user* and with the first type of game controller” as recited in amended Claim 1. (Emphases added). Because the *Mazza-Niedzwiecki* combination fails to teach, suggest, or disclose this aspect of amended Claim 1, the proposed combination fails to support the rejection.

Second, the cited references fail to teach, suggest, or disclose that “the interface application is operable to...identify a particular user associated with a particular game controller,” “identify a particular controller type associated with the particular game controller” and “determine at least one of the stored sets of controller signal relationships based at least in part on the identified user and the identified controller type” as recited in amended Claim 1. *Mazza* discloses a configuration engine for mapping buttons of a game controller “to specific regions within the proprietary application.” (*Mazza*; p. 3, ¶ 41). *Mazza* teaches that the game controller may “come with a ‘pre-installed’ set of configuration options which can be pre-selected” to integrate the controller “with popular trading applications ‘out of the box.’” (*Mazza*; pp. 3-4, ¶ 41). As explained above, the Examiner acknowledges that *Mazza* does not teach, suggest, or disclose “a first set of controller signal relationships...associated with a first user and with a first type of game controller; a second set of controller signal relationships...associated with the first user and with a second type of game controller; and a third set of controller signal relationships...associated with a second user and with the first type of game controller” as recited in amended Claim 1. In addition, *Mazza* specifically fails to teach, suggest, or disclose an “interface application operable to...identify a particular user associated with a particular game controller” and “identify a particular controller type associated with the particular game controller.” Furthermore,

*Mazza* fails to teach, suggest, or disclose determining “at least one of the stored sets of controller signal relationships based at least in part on the identified user and the identified controller type” as recited in amended Claim 1.

*Niedzwiecki* also fails to teach, suggest, or disclose these elements of amended Claim 1. As explained above, *Niedzwiecki* discloses an adapter that allows a user to associate the key scan code of a particular keyboard key with one or more buttons on a game controller. (Col. 8, ll. 12-31). *Niedzwiecki* explains that this “reconfiguration data” will be held in memory as part of a “button press-key scan code association list.” (Col. 8, ll. 37-39). *Niedzwiecki* explains that the reconfiguration data may be stored in volatile or non-volatile memory. (Col. 9, ll. 9-33). In particular, *Niedzwiecki* states that “reconfiguration data can be stored with the reconfiguration program on a floppy or hard disk drive and, at the user’s choosing, can be reloaded into the invention’s volatile memory at any time that the computer system is operational and the invention is receiving power.” (Col. 9, ll. 28-33). Thus, *Niedzwiecki* discloses storing reconfiguration data in a system that may be configured for different types of game controllers. However, *Niedzwiecki* specifically fails to teach, suggest, or disclose an interface application that is “operable to...identify a particular user associated with a particular game controller” as recited in amended Claim 1. Indeed, merely storing reconfiguration data for a particular type of game controller does not teach, suggest, or disclose “determining at least one of the stored sets of controller signal relationships based at least in part on the identified user and the identified controller type” as recited in amended Claim 1. (Emphasis added). Because the cited references fail to teach, suggest, or disclose these aspects of amended Claim 1, the cited references fail to support the rejection. For at least these reasons, Applicant respectfully requests reconsideration and allowance of amended Claim 1.

In rejecting Claims 12, 14, and 26, the Examiner employs the same rationale used with respect to Claim 1. Accordingly, for at least the reasons stated above with respect to amended Claim 1, Applicant respectfully requests reconsideration and allowance of amended Claims 12, 14, and 26.

Claims 2-8, 10-11, 13, 16-20, 22-25, 28-32, and 34-37 depend from independent claims shown above to be allowable. In addition, these claims recite further elements not taught, suggested, or disclosed by the cited references. Accordingly, Applicant respectfully

requests reconsideration and allowance of Claims 2-8, 10-11, 13, 16-20, 22-25, 28-32, and 34-37.

***Sanderson***

Applicant notes that, in a prior Office Action, the Examiner argued that U.S. Patent No. 6,071,194 issued to Sanderson et al. ("*Sanderson*") discloses a video game controller that may comprise different keycode assignments for different users. (Office Action dated December 22, 2005; pp. 6-8). Applicant, however, asserts that *Sanderson* cannot be combined with *Niedzwiecki* under 35 U.S.C. § 103 because (1) *Sanderson* teaches away from amended Claim 1, and (2) such combination would render *Niedzwiecki* unsatisfactory for its intended purpose.

First, *Sanderson* cannot be combined with *Niedzwiecki* because *Sanderson* teaches away from amended Claim 1. "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984); M.P.E.P. § 2141.02. *Sanderson* discloses a configurable game controller. (Col. 5, ll. 30-64). However, *Sanderson* requires that keycode assignments be stored in the specialized game controller. (Col. 5, ll. 30-64; Figure 3). The reason for this requirement is to provide "a single video game controller to interface with different video game programs...each of which potentially respond to different keycodes." (Col. 4, l. 65 – col. 5, l. 4). *Sanderson* explains:

It would be advantageous...for the video game controller to be directly reconfigurable without having to first reprogram a program running on the PC and then downloading the entire file to the controller; that is, to be reconfigurable solely within the video game controller without the need for additional reconfiguration intelligence in the personal computer. This would alleviate the need for initial reconfiguration of the keycode assignments in the personal computer followed by the subsequent download of keycode assignments back to the video game controller.

(Col. 2, ll. 4-13). Thus, *Sanderson* teaches that keycode assignments should be "reconfigurable solely within the video game controller without the need for additional reconfiguration intelligence in the personal computer." (Col. 2, ll. 4-13). Because the specialized game controller in *Sanderson* stores the keycode assignments, it would make no

sense for the specialized game controller in *Sanderson* to store keycodes for other types of game controllers. By storing the keycodes in a particular game controller, *Sanderson* intends for users who want to access the keycodes to use *the particular game controller* -- not some other type of game controller. Thus, *Sanderson* clearly discourages storing keycodes for *different types* of game controllers. Accordingly, *Sanderson* teaches away from storing “a first set of controller signal relationships...associated with...*a first type of game controller*” and “a second set of controller signal relationships...associated with...*a second type of game controller*” as recited in amended Claim 1. (Emphases added). Because *Sanderson* expressly teaches away from amended Claim 1, any rejection of amended Claim 1 based at least in part on *Sanderson* is improper.

Second, a combination of *Niedzwiecki* and *Sanderson* would render *Niedzwiecki* unsatisfactory for its intended purpose. If a “proposed modification would render the prior invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” MPEP §2143.01. As explained above, *Niedzwiecki* discloses a system wherein a “button press-key scan code association list” is stored on a disk or in an adapter module. An intended purpose of *Niedzwiecki* is to provide a system that is operable with any type of game controller. In particular, *Niedzwiecki* seeks to provide a system that “can be easily customized to operate with any new multiplex communications based video game controller that becomes available and is designed for use with other video game platform hardware.” (Col. 7, ll. 36-40).

In contrast to *Niedzwiecki*, *Sanderson* teaches a system that is only operable with a particular game controller that comprises “reconfiguration intelligence.” Notably, *Sanderson* teaches that keycode assignments should be “reconfigurable solely within the video game controller without the need for additional reconfiguration intelligence in the personal computer.” (Col. 2, ll. 4-13). The proposed modification would result in a system where keycode assignments for a particular user are stored in a specialized game controller. If keycode assignments are stored in a particular type of game controller (i.e., the specialized game controller of *Sanderson*), then the keycode assignments would be inaccessible to the other types of game controllers disclosed in *Niedzwiecki* (e.g., Sega controller, Nintendo controller, etc.). The modified system would only be operable with the specialized game controller. As a result, the modified system would be unsatisfactory for the intended purpose

of *Niedzwiecki* -- namely, providing a system that operates “with any new multiplex communications based video game controller that becomes available and is designed for use with other video game platform hardware.” (Col. 7, ll. 36-40). Because the modification of *Niedzwiecki* in view of *Sanderson* would render *Niedzwiecki* unsatisfactory for its intended purpose, such combination is improper.

***Claims 9, 15, 21, 27 and 33***

The Examiner rejects Claim 9 under 35 U.S.C. § 103(a) as being unpatentable over *Mazza* in view of *Niedzwiecki* as applied to claim 6 above, and further in view of U.S. Patent No. 5,243,331 issued to McCausland, et al. (“*McCausland*”). The Examiner rejects Claims 15, 21, 27 and 33 under 35 U.S.C. § 103(a) as being unpatentable over *Mazza* in view of *Niedzwiecki* as applied to claims 14, 18, 26 and 30 above, and further in view of *McCausland*. Applicant respectfully requests reconsideration and allowance of Claims 9, 15, 21, 27 and 33.

Claims 9, 15, 21, 27, and 33 depend from independent claims shown above to be allowable. In addition, these claims recite further elements not taught, suggested, or disclosed by the cited references. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claims 9, 15, 21, 27, and 33.

***New Claims 38-50***

New Claims 38-50 depend from independent claims shown above to be allowable. In addition, these claims recite further elements not taught, suggested, or disclosed by the cited references. For example, the cited references fail to teach, suggest, or disclose (1) a memory operable to store “a first default set of controller signal relationships associated with the first type of game controller...and a second default set of controller signal relationships associated with the second type of game controller” and (2) an interface application operable to “determine at least one of the default sets of controller signal relationships based at least in part one the identified controller type” as recited in new Claim 38. As explained above, *Niedzwiecki* discloses storing configuration data associated with a “button press-key scan code association list.” (Col. 8, ll. 37-39). In addition, *Niedzwiecki* discloses that a user may “have all reconfiguration done automatically according to a pre-defined list of key scan codes



to game controller button press associations.” (Col. 8, ll. 65-67). Merely disclosing a “pre-defined list of key scan codes to game controller button press associations,” however, does not teach, suggest, or disclose that the “interface application is operable to...determine at least one of the default sets of controller signal relationships based at least in part on the identified controller type” as recited in new Claim 38. In addition, merely disclosing a “pre-defined list” does not teach, suggest, or disclose storing “a first default set of controller signal relationships associated with the first type of game controller...and a second default set of controller signal relationships associated with the second type of game controller” as recited in new Claim 38. Because the cited references fail to teach, suggest, or disclose these aspects of new Claim 38, the cited references do not support a rejection of new Claim 38.

In addition, the cited references fail to teach, suggest, or disclose that, “if the identified controller type is not associated with at least one of the stored sets of controller signal relationships, the interface application is operable to...provide a graphical user interface that is usable for configuring a new set of controller signal relationships...and store in the memory the new set of controller signal relationships in association with the identified controller type” as recited in new Claim 39. The cited portions of *Mazza*, *Niedzwiecki*, and *McCausland* fail to teach, suggest, or disclose “a graphical user interface that is usable for configuring a new set of controller signal relationships” as recited in new Claim 39. In addition, these references fail to teach, suggest, or disclose that “the interface application is operable to... store in the memory the new set of controller signal relationships in association with the identified controller type” as recited in new Claim 39. Because the cited references fail to teach, suggest, or disclose these aspects of new Claim 39, the cited references do not support a rejection of new Claim 39. For at least the foregoing reasons, Applicant respectfully requests the Examiner to enter and allow new Claims 38-50.

**CONCLUSION**

For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Justin N. Stewart, Attorney for Applicant, at the Examiner's convenience at (214) 953-6755.

The Commissioner is hereby authorized to charge the \$650.00 additional claim fee and to charge any deficiency or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicant

A handwritten signature in black ink, appearing to read "Justin Stewart", written over the printed name.

Justin N. Stewart  
Reg. No. 56,449

Date: October 25, 2006

**CORRESPONDENCE ADDRESS:**

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